

104 KAR 1:060. Multiple dwelling developments reporting and recordkeeping requirements.

RELATES TO: KRS 344.360

STATUTORY AUTHORITY: KRS 13A.100, 13A.120, 344.190(10), (11), (14), 344.250(2), (7)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes requirements for the retention, content and submission of annual reports by owners of housing accommodations covered by KRS 344.360.

Section 1. Definitions. (1) "Multiple dwelling development" means one (1) or more housing accommodations:

- (a) Located within the Commonwealth of Kentucky;
 - (b) Operated under the same management or owned by the same person or persons; and
 - (c) Containing in the aggregate at least twenty-five (25) units.
- (2) "Racial or national origin designation" means white, black, hispanic, American Indian or Alaskan native, biracial or multiracial, Asian or Pacific Islander.
- (3) "Leaseholder" means the party with whom the landlord has entered into an agreement for rental.
- (4) "Applicant" means a person who, for the purpose of either renting or purchasing a unit of a multiple dwellings development, appears before either the owner, lessor, agent or other principal or operator.

Section 2. Reports Relevant to the Determination of Unlawful Practices. (1) An owner of a multiple dwelling development shall file one (1) copy of the "Multiple Dwelling Report" annually with the Kentucky Commission on Human Rights by August 15.

(2) The annual "Multiple Dwelling Report" shall include cumulative information for a period from July 1 to June 30.

(3) For each applicant and occupant of the multiple dwelling development, the report shall contain the:

- (a) Racial or national origin designation; and
 - (b) Familial status.
- (4) A consolidated report may be filed if:
- (a) There are multiple owners of a development; and
 - (b) The development is operated as one (1) unit.
- (5) The manager, agent, or other persons responsible for management may file for the owner.

Section 3. Instructions for Data Collecting on Race or National Origin. (1) The owner of a housing accommodation not exempted by KRS 344.362 or 344.365 shall list questions regarding the race or national origin of the applicant or lessor on a separate form.

(2) The owner may ask for the information, but shall not require the applicant to provide it.

(3) If an applicant refuses to provide the information when the applicant applies in person, the applicant's refusal shall be noted on the form. The owner may supply the information based on visual observation or surname.

(4)(a) An applicant or tenant shall be informed, by the owner, that the Kentucky Commission on Human Rights is requesting information in order to monitor compliance with state statutes that prohibit persons from discriminating against tenants and applicants on the basis of race or national origin.

(b) An applicant or tenant shall be advised, by the owner, that if the information is not provided when the application is taken in person, the data will be collected on the basis of visual observation or surname.

(5) Questions shall not be asked of a telephone applicant.

Section 4. Maintenance and Retention of Records. The owner of a housing accommodation covered by KRS 344.360 and not exempted by KRS 344.362 or 344.365 shall maintain the following records:

(1) Racial or national origin and familial status designation of each applicant for an apartment:

(2) Racial or national origin and familial status designation of each leaseholder or purchaser;

(3) Apartment rental or sales recruiting techniques ; and

(4) All records shall be retained for a period of two (2) years and shall be available for inspection and review upon request by an employee of the Kentucky Commission on Human Rights, Monday through Friday between the hours of 8 a.m. and 4:30 p.m.

Section 5. Material Incorporated by Reference. (1) The following material is incorporated by reference:

(a) "Multiple Dwelling Reporting Form (February, 1993)";

(b) "Suggested Form for Recording Applicant Information (February, 1993)".

(2) This material may be inspected, copied or obtained:

(a) At the offices of the Kentucky Commission on Human Rights, The Heyburn Building, Suite 700, 332 West Broadway, Louisville, Kentucky 40202; or

(b) By calling:

1. (502) 595-4024;

2. (800) 295-5566;

3. (502) 595-4084, (TDD), for the hearing impaired;

4. Kentucky Relay Service, (800) 648-6056 (TTY/TDD). (HR-6; 1 Ky.R. 239; Am. 447; eff. 1-10-75; 18 Ky.R. 1870; 3187; eff. 4-14-92; 19 Ky.R. 2085; 2394; eff. 5-10-93.)